

REMARKS

Favorable consideration and allowance of the application is respectfully requested. Claims 1, 3-9 and 11-16 were in the application, claims 1, 3, 6, 14 and 15 have been amended, claims 5 and 13 have been cancelled.

Entry of this amendment is respectfully requested as reducing the issues for appeal, and/or for placing the claims in condition for allowance. By the amendment of claim 1, the limitations of claim 13 have been included therein, rendering moot at least the rejection of claim 1 as being anticipated by Kay, et al, or Raines, et al. As claim 13 was of record, no new search or new issues are raised by the amendment, and entry is proper.

As stated above, the rejection of claims 1 and 3 over Kay, et al or Raines are rendered moot by the amendment of claim 1.

Claims 1, 3-6, 11-13, 15 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Marcus, U.S. Patent No. 4,813,939.

Claim 1 has been amended to include a spine located above the spacer, the handles coupled to the spacer below the spine, the spine providing a stiff backing when the handles are moved into engagement. This provides a positive, firm grip for needle insertion or removal. (P. 6, L. 24-27)

Marcus fails to disclose a spine disposed above a spacer with handles pivotally coupled to the spacer, the spine being engaged by the handles when grasped.

Marcus rather shows a cannula 26 centrally located within the body of a disk, the handles disposed above the body, with no spine.

As each and every element of claim 1 is not found in Marcus, claim 1 and dependant claims 3-6, 11-13, 15 and 16 are not anticipated thereby.

Claims 1, 3-9, 11-16 were rejected as being obvious over Marcus in view of Kay.

The presence of the spine is clearly an advantage over Marcus, as being located above the

spacer, the spine acts as a rigidifying support, when the handles are grasped to in essence made the grasped handles more rigid to ease needle insertion, yet the handles and other components can be made of flexible material. Such a spine is not found in Marcus.

Kay similarly fails to show a spine disposed above a spacer such that the spine is engaged when the handles are squeezed together, to provide rigidity and ease needle insertion.

Further, there is no teaching or suggestion for incorporating such a spine, as neither patent uses such a spine or any similar structure to rigidify the handles when grasped to ease needles insertion. In fact, the absence of such a feature clearly indicates a teaching away as both Marcus and Kay consider their devices to be adequate without any modification, and it is only in the applicant's specification that one finds the use of such a spine to improve holding of the needle device.

Based on the above amendments and remarks, reconsideration and allowance of the application is respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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